

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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IN RE TYCO INTERNATIONAL LTD.,
SECURITIES, DERIVATIVE AND "ERISA"
LITIGATION
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MDL Docket No. 02-1335-B

This Document Relates To:

PUBLIC EMPLOYEES' RETIREMENT
ASSOCIATION OF COLORADO,

Docket No. 08-1341-B

Plaintiff,

v.

TYCO INTERNATIONAL LTD.; TYCO
ELECTRONICS LTD.; COVIDIEN LTD.;
L. DENNIS KOZLOWSKI; MARK H.
SWARTZ; FRANK E. WALSH, JR., and
PRICEWATERHOUSECOOPERS LLP,

Defendants.
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**AGREED ORDER AND FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AGAINST MARK H. SWARTZ AND
BAR ORDER**

Plaintiff in the above-captioned action and Defendant Mark H. Swartz (each a “Settling Party” and collectively the “Settling Parties”) have represented to the Court that they have entered into a Settlement Agreement and Release (the “Settlement Agreement”) that resolves all issues between and among them that are involved, set forth, or referred to in the Complaint. All defined terms set forth herein are defined in the Settlement Agreement.

For good cause shown, it is hereby ORDERED that:

1. **Bar Order.** As provided in Section 21D-4(f)(7)(A) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(f)(7)(A), to the maximum extent permissible under applicable law: (a) Defendants L. Dennis Kozlowski, Tyco International Ltd., Covidien Ltd., Tyco Electronics Ltd., PriceWaterhouseCoopers LLP, and Frank E. Walsh, Jr., (the “Previously-Settled Defendants”) are hereby permanently barred, enjoined, and restrained from commencing, prosecuting, or asserting any claim for or otherwise seeking contribution against any Settling Party based upon, relating to, or arising out of the Released Claims; (b) each Settling Party is hereby permanently barred, enjoined, and restrained from commencing, prosecuting, or asserting any claim for contribution against each other or against any other person based upon, relating to, or arising out of the Released Claims.

2. Because there is no just reason for delay in the entry of this ORDER and FINAL JUDGMENT with respect to the claims asserted by Plaintiff against Mark H. Swartz, all claims asserted by Plaintiff against Mark H. Swartz,

are DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 54(b).

3. The Clerk of the Court is expressly directed to enter this Agreed Order and Final Judgment of Dismissal with Prejudice against Mark H. Swartz and Bar Order as a final judgment and to send a copy of same to all counsel of record.

IT IS SO ORDERED.

Entered: July 21, 2010

/s/ Paul Barbadoro
The Honorable Paul Barbadoro
United States District Court Judge

cc: Counsel of Record